114TH CONGRESS

STENNIS FELLOWS

REACHING AGREEMENT:

MAKING CONGRESS WORK FOR AMERICAN DEMOCRACY

Stennis Center *for* Public Service Leadership

STENNIS

FELLOWS

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STENNIS FELLOWS PROGRAM LEADERSHIP TEAM

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The **John C. Stennis Congressional Staff Fellows of the 114th Congress** came together across party lines from both chambers of Congress to work together in roundtables and retreats in 2015 and 2016. Nominated by Members of Congress and chosen by an independent selection committee, 27 staff leaders with over 300 years of combined experience on Capitol Hill began meeting together in July of 2015. The objective of the program is to provide a unique leadership development experience for senior-level Congressional staff through dialogue and relationship building across boundaries of party and chamber, and to focus on the future of Congress as an institution of American democracy. The 114th Congress Stennis Fellows began with the core theme of ***Reaching Agreement: Making Congress Work for American Democracy***.

THE LEARNING AGENDA

At their inaugural meeting, the Stennis Fellows identified four broad questions to pursue together related to the theme and looking ahead to the future of Congress. These questions provided the starting point for a series of half-day roundtable dialogues where Stennis Fellows explored these issues with leading experts.

The Fellows conducted four roundtable dialogues with different panels of guest experts, one roundtable on each of their learning agenda topics:

Reaching Agreement: Lessons From History

- Dr. Frances Lee, professor of government and politics at the University of Maryland
- Leon G. Billings, former chief of staff to Senator and Secretary of State Edmund S. Muskie, and former Delegate in the Maryland General Assembly; and
- Trent Lott, former party whip in both the House and Senate, and former Majority and Minority Leader in the Senate

Reaching Agreement: Dealing with Political and Societal Forces

- Amy Mitchell, Director of Journalism Research at Pew Research Center
- Diana Mutz, Director of the Institute for the Study of Citizens and Politics at the University of Pennsylvania
- Norm Ornstein, Resident Scholar at the American Enterprise Institute

Reaching Agreement: The Legislative Process

- Jane Mansbridge, Adams Professor of Political Leadership and Democratic Values, John F. Kennedy School of Government, Harvard University
- David King, Senior Lecturer in Public Policy at The Harvard Kennedy School and Faculty Chair of the Masters in Public Administration Programs

Reaching Agreement: Strengthening Relationships in Congress

- David King, Senior Lecturer in Public Policy at The Harvard Kennedy School and Faculty Chair of the Masters in Public Administration Programs
- Peter Torkildsen, Professor of Practice in Political Science at the University of Massachusetts at Amherst, and a business development consultant

USING DIALOGUE

All of the roundtables and other sessions of the Fellows' program were conducted as dialogues. Dialogue had been recommended by previous classes of Stennis Fellows as a powerful and different way of learning and leading. Perhaps the best way to understand dialogue is by contrasting it with its opposite, debate or advocacy.

A key to using dialogue effectively is to recognize that it does not replace debate, advocacy, negotiation or decision-making; it precedes them. Dialogue provides a way to map areas of common ground before debate or negotiation begins. Participants in a dialogue are usually surprised by the amount of common ground they share, even on the most contentious issues. Once they realize that they agree on perhaps 80 percent of the matters being considered, it becomes easier to deal with the remaining 20 percent in a productive way. Stennis Fellows practiced dialogue during all sessions of the Fellowship. Many Fellows also undertook experiments, trying to apply dialogue on the job and then reporting the results to other Fellows. Generally Stennis Fellows reported that dialogue helped in a wide variety of practical circumstances, especially when it could be applied before the debate or negotiation had been fully engaged. It is a valuable tool that Stennis Fellows plan to use more widely and hope to encourage others to try.

Dialogue: the Opposite of Debate

Debate/Advocacy	Dialogue
Assuming there is one right answer	Assuming others have pieces of the answer
About winning	About finding common ground
Listening for flaws	Listening to understand
Defending assumptions	Exploring assumptions
Seeking your outcome	Discovering new possibilities

1 The discussion of the nature and use of dialogue in this report is based on the Dialogue Essentials workshop provided to the Fellows by Viewpoint Learning (www.ViewpointLearning.com).

KEY INSIGHTS

STENNIS FELLOWS HEARD FROM THE PANEL EXPERTS

Reaching Agreement: *Why is it More Difficult Today?*

There are many reasons reaching agreement in Congress was less difficult 40 years ago than it is today. These included fewer/smaller staff, more closed-door sessions, less distraction from cell phones and computers, no TV coverage, no out-of-cycle fundraising, fewer lobbyists, more Members moving their families to DC and living there, stronger relationships and more social interaction among Members (and staff), and more institutional (House v. Senate, Congress v. Administration, etc.) rather than partisan rivalry. Also, more issues were handled at the committee level which, in general, put policy issues ahead of purely political ones. The use of earmarks also served as tradeoffs, helping achieve compromise. Involvement of political consultants was limited to election campaigns rather than continuous.

Party parity increases electoral stakes. We are experiencing the longest period of close party parity since the Civil War, making for ferocious competition. The perceived prospect that each election may bring a change in party control makes the stakes very high. Bipartisanship is a casualty of these higher electoral stakes.

The higher stakes and closer contests lead each party to highlight differences. These often take the form of legislative initiatives – the so-called message votes or wedge issues – in effort to appeal to base party voters. Message votes were not a significant factor in shaping polarization even as late as the 1960s and 70s, but they became more consequential after 1980, driven mostly by the alternating majorities in Congress. Communications efforts, at least as measured by the number of leadership staff devoted to them, have also increased during this time, particularly in the Senate, where now about one-half of leadership staff is devoted to partisan public relations. Similar increases are also seen in the House. In all, an elaborate infrastructure has been established to wage PR wars by magnifying differences between the parties on a variety of issues.

Governing involves a strategic choice for the minority party: either participate as a junior partner with the majority in hopes of leveraging some benefits, or oppose the majority in

KEY INSIGHTS continued

hopes of establishing clear contrasts that could lead to voters electing a new majority. There are significant political costs for a minority party to join in governing, in particular the loss of base voters and disappointing key constituencies, including financial backers. Negotiating legislative deals is an integral part of governing, but it is not an effective way of winning back control. Furthermore, election results for 20 years appear to show that Americans oppose one-party rule. They prefer divided government to one party's control of the agenda. The ferocity of the partisanship in Congress is also fueled by fighting over a declining share of the budget devoted to domestic discretionary programs. As the pie gets smaller, the intensity of the competition grows.

Polarization reduces the ability to find common ground and to build consensus. Around 1970, there was a dramatic increase in party unity scores. This increase also occurred in state legislatures and in other countries. But in the House, today the most liberal Republican is rated as more conservative than the most conservative Democrat.

Even as late as 1989, centrists did most of the work of building consensus –and selling it. And consensus is what is needed for laws to stand the test of time. By 2013, there was very little overlap between the parties and the extremes were well defined. Moderates had been eliminated, and with them a major source of coalitions.

Fewer opportunities exist for private deliberations. The Founding Fathers expected the House and Senate to deliberate, not just represent specific interests. They also expected those deliberations to be between representatives of the people who would convene outside of the glare of immediate and intense public scrutiny. The Constitutional Convention was very deliberate, and closed to the public. The carefully calibrated system of checks and balances in our Constitution turned out very differently from the French Constitution (which was produced by a public process) in part because of the closed door deliberations which produced it.

With so much distrust today – between Members and leaders, among Members, and between Members and constituents – such closed-door deliberations are not likely to return. Nor could they survive the current media environment, with social media poking its head everywhere while often serving more to confirm our own biases.

Congress has a diminished role in governing. The current Congressional work schedule (Tuesday through Thursday noon) caters to Members who feel the need to be in their home districts and states as much as possible and is not conducive to developing relationships

with other Members. The schedule also diminishes the time available for committee activity, which had been a learning ground for new Members to get to know issues and develop working relationships with their colleagues. Now, the Leadership of each party takes control of many issues, which results in less comity, less consensus, and more sharply partisan results. Perhaps reflecting the view of some of their constituents, some Members view the Congress less as a serious institution of governing and more as another venue for partisan combat, further lowering Congress' approval ratings.

Congress's declining role as a governing institution has, in part, led to the executive branch filling the vacuum. Similar developments have occurred at the state level, representing a serious weakening of the legislative branch.

The permanent campaign strengthens polarization. Campaigns also promote their own types of polarization. Political campaigns are one of the few public venues in which name calling and bad behavior is not only accepted, but often expected. Parties want to find 'winners', not necessarily great legislators. Campaigns seek to whip up and turn out only their own supporters, resulting in campaign advertising and tactics that are negative.

The timing of elections also has an effect on polarization, especially the gap between a primary and general election. The longer that gap, the more attention tends to be paid to the narrower primary electorate while the shorter the time, the more focus is on general election issues. Open primary messaging also tends to be more single issue and has led to more extreme candidates, on average, than closed primaries.

Redistricting in the House, designed to create safe seats, has sometimes led to fiercer partisan competition in the primary elections where the differences are within a party. The lower turnout in most primaries means that these electoral decisions are being made by a small fraction of eligible voters. If Members closely reflect their districts, and those districts are more homogenous in outlook, then compromising on issues dear to voters back home risks alienating Members from their own constituents.

KEY INSIGHTS continued

Campaign finance increases partisan polarization. The big money influencing elections today is more sharply ideological; it is less interested in long-term issues and tends to focus more on short-term results. More traditional contributions from business is now significantly less influential.

The current campaign finance structure poses many challenges to Members trying to reach agreement on important issues before Congress. Most Members are forced to think about raising money continuously. The major electoral/financial incentives, rewards and punishments today often come from out-of-district groups on the extremes with money to spend.

The most politically active move beyond polarization to tribalism. More people are reporting themselves in polling to be consistent conservatives or liberals – up from 10 percent 20 years ago to 20 percent by 2014. These people are the most engaged politically, the most likely to vote. They drive the political conversations. Their political views also influence where they tend to live, shop, and send their kids to school.

The many ways in which we self-separate today – where we live, the news sources we access, the political parties we belong to, etc. – represent more than just polarization. They begin to verge on tribalism, which is defined as: "if you're for it, I'm against it!" Tribalism demonizes opponents. Opponents become the enemy, not just an adversary. Perhaps this is a reason that more voters today are motivated by negative feelings for the other party or candidate. And it may help account for the return of straight ticket voting, both for strong and weak partisans.

The media landscape has changed dramatically and become more tribal. People pay attention to conflict so there is a tremendous economic incentive for media organizations to tribalize/polarize. To make money, media companies need to shock viewers because that is what attracts them and keeps them tuned in. If all media looked like PBS – balanced and civil – nobody would probably watch. Fewer middle spectrum voters would be drawn in and the extreme elements might have even more influence than they do now.

The growing political self-segregation also affects people's source of news: Fox for conservatives and MSNBC/NPR/The New York Times for liberals. Social media has grown as a source of news from about one-half of Facebook and Twitter users in 2013, to two-thirds today. These sites let users view only posts with which they agree and block others. This is true for liberals and conservatives. But in selecting news sources, one also self-selects culture and conversation. (I don't think cocoon is a verb).

There are fewer general reporters covering Congress -- and more commenting on it -- and more niche reporters for specific issue, high-end media outlets. Fewer reporters at the local level leads to a nationalization of politics. More reporters are following national stories, and public attention follows.

However, large majorities of people, including those in the middle, care about what is happening in their local area. A missed opportunity for Members and for the media is showing how national legislation affects local issues.

Another trend in the media is shorter stories. Many news stories are now 45-75 seconds long with sounds bites of 3 to 5 seconds. The rest of the time is spent with people screaming at each other. It's not simply because of our fleeting attention span. The number of people who binge watch certain shows for hours is growing, so clearly we have the capacity to watch.

The decline of civility exacerbates polarization. The 'IN-YOUR-FACE' tone of much of today's politics takes advantage of a human tendency to pay attention to highly uncivil exchanges. We recall information better when it is presented in a combative, antagonistic manner. In the past, incivility usually took place behind closed doors, or otherwise out of public view. Now, because there are more media channels vying for our limited time, they need something to grab our attention. So it is out in the open. A serious downside to this kind of politics is that it dissuades qualified people, especially women, from seeking electoral office.

Three structural reasons why polarization is not going away anytime soon:

1. Passage of the Civil Rights Act and the party realignment that came about with southern Democrats joining the GOP and both parties becoming more internally coherent.
2. The frequency of close contests. The stakes of winning are very high, with control of the House and or Senate often up for grabs, not to mention the Presidency. In a world of close, intense contests, the parties have become enemies of each other.
3. Income inequality. Polarization seems to track income inequality at least as far back as the Gilded Age.

Reaching Agreement: *Reasons for Hope and Ways Forward*

It is possible to read too much into stories on polarization. The topic may sell newspapers, but if polarization means where people stand on substantive issues, then there is not a lot of evidence that people are moving to the extremes on issues. There is not a big increase in the numbers of "strong" Democrats or Republicans. (There is some movement to the 'Independent' category, however). People do mimic what they hear in the media – the bumper sticker comments. But that doesn't equate with strong opinion shifts.

On most policy issues, voters are still clustered in the middle. It is only when the parties get involved that the middle cluster starts to separate into two. Voters seem to be taking their cue on polarization from the parties. The perception of polarization as reported in the media may be worse than the reality of polarization.

Many Americans pay little attention to politics. Less than one-half of one percent of tweets have anything to do with politics. Less than five percent of people view only partisan media. So there are still lots of people in the middle. Keeping the middle – not just the political junkies – interested in the political process is very important.

Some measures of polarization in Congress use 'message' votes in their calculations. These votes are almost always along party lines, so the resulting polarization index tends to be higher. There is no good research, unfortunately, on what the index would be if one removed these votes from the calculation. Furthermore, political scientists tend to study polarization more than 'cooperation,' again increasing the attention to it.

KEY INSIGHTS continued

One bright spot is that while many people shy away from discussing politics for fear of offending, in the workplace it is a different story. Workers, who have many reasons to cooperate with each other, can engage in a diverse political discussion without it becoming uncivil or partisan. Some companies are even facilitating political discussions, for instance, by bringing in speakers for lunchtime sessions.

Today's world is filled with massive contradictions and knowing what to believe, what sources of information to trust is difficult for most citizens. Voters are required to make many choices, learn a lot about what is going on. Finding the time to give due diligence to citizenship responsibilities is a major challenge for many.

We have seen this before. Vigorous, vehement, vociferous disagreement is baked into our democratic process. The Founding Fathers deliberately chose to model a Congress (from the Latin "to come together") rather than a Parliament (from the French verb 'parler'-- to talk). The record from the earliest archives is that the process of building consensus is not always polite. Rough and tumble politics is an American tradition, especially in the 19th Century.

Possible steps to facilitate reaching agreement:

- Members need more interaction with each other to enable relationship building. Perhaps special incentives should be considered to encourage Members to move their families to Washington.
- The legislative schedule should be three weeks in session for legislative business, one week out of session for work in districts and states. Also, no trips taken by Members of Congress that are paid by the federal government should have more than two-thirds of its Members from the same party to facilitate relationship-building across party lines.
- Some form of earmarks, with a more open process, would also help in building agreement.

KEY INSIGHTS continued

- Stronger roles for committees and committee chairs could provide a greater focus on policy rather than partisanship.
- Both parties to a negotiation must believe that having a deal is better for them than not having one. One way to encourage agreement is to expand the deal so that passing the whole package results in gains for each side.
    - The fruit of some legislative negotiations, the omnibus bill, does not look good; it is not neat or small. But such results are common in business or international relations. Creating the investment in the final product for all concerned is messy. The danger is that citizens do not – cannot – know everything that is going on. With distrust in the people and the process involved very high, the final product may not pass muster with voters.
    - Another way to encourage a negotiation is to build in a penalty default, that is, something bad that will occur to each side unless an agreement is concluded.
    - Negotiations are also helped by participants who have longevity -- who have ongoing relationships and the ability to understand people and what it takes to make a deal. Unfortunately, there seem to be fewer such individuals in Congress these days. Furthermore, in traditional negotiations such as between business and labor, the leaders of both sides are trusted by their members. Not so in Congress, where negotiations often encompass many outside groups, some with very narrow agendas.
- Another course is to reach beyond Congress for solutions. For instance, public engagement tools such as deliberative polls, in which random citizens are brought together to deliberate on an issue and then give their views can enlighten lawmakers. Research has shown that in such a process citizens can find common ground without being pulled apart by advocacy groups.
- Requiring attendance at the polls is another way to diminish the influence of higher turnout among extreme voters. It works in Australia. Australians are not required to vote (they can vote for 'none of the above') but they have to show up. In Australia it has greatly reduced base-driven politics and resulted in a different conversation between candidates and persuadable voters. Voting on weekends would also help draw out more voters.
- There are also many hidden obstacles in Congress that affect the operation of the body that could be adjusted to encourage reaching agreement. Such things as committee seating arrangements, composition of CODELS (official travel), television coverage, social media and tweeting, all affect the ability of Members to talk to each other and work together.

CONTINUING the DISCUSSION:

CAPITOL HILL SESSION WITH HARVARD FACULTY

The Stennis Fellows participated in a discussion with a group from the John F. Kennedy School of Government at Harvard University to share experiences the Fellows have had in their work that included successful bipartisanship, as well as issues where they expected bipartisanship that didn't materialize. The meeting was an informal, off-the-record conversation where the Fellows shared some of their own personal experiences as Congressional public servants to help the educators better understand current issues on Capitol Hill. The team from Harvard included Archon Fung, Academic Dean, The Harvard Kennedy School; David King, Senior Lecturer in Public Policy at The Harvard Kennedy School and Faculty Chair of the Masters in Public Administration Programs; and Tom Sanders, Executive Director, Saguaro Seminar: Civic Engagement in America, The Harvard Kennedy School.

To help shape what The Kennedy School might do in their teaching and research related to Congress, the Fellows responded to the following questions:

- Experiences (in the last 6-10 years) of Congressional cooperation across party lines that you were involved in and reasons why you think cross-party cooperation worked in those cases
- Experiences (in the last 6-10 years) that you were involved in where you had thought in advance that Congressional cooperation across parties would have been win-win (mutually beneficial) but where Congressional cooperation was unsuccessful and reasons why you think cooperation didn't happen across those examples

The session was mutually-beneficial and in keeping with the Fellows' learning agenda of "Reaching Agreement: Making Congress Work for American Democracy." Fellows appreciated the opportunity to share their personal experiences with leading academicians who are eager to better understand the current environment on Capitol Hill to strengthen their teaching and research. Faculty from The Kennedy School were grateful for the insights of those who deal with the challenges of partisanship on a regular basis.

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Chris Armstrong
Senate Committee on Finance

Tim Bertocci
U.S. Representative Tim Walz

Jonathan Day
U.S. Representative Joe Wilson

Joe DeVooght
U.S. Representative Pete Visclosky

Steve Feldgus
House Committee on Natural Resources

Kristen Gentile
U.S. Senator Bob Casey

James Glueck, Jr.
Senate Committee on Agriculture,
Nutrition and Forestry

Cesar Gonzalez
U.S. Representative Mario Diaz-Balart

Ben Hammond
Senate Committee on Appropriations

Sean Hayes
Subcommittee on Healthcare, Benefits, and
Administrative Rules
House Committee on Oversight and
Government Reform

George Holman
U.S. Senator Harry Reid

Pamela Jackson
Congressional Research Service, Library of Congress

Brenda Jones
U.S. Representative John Lewis

Charlie Keller
U.S. Representative Bob Goodlatte

Karen Lightfoot
House Committee on Energy
and Commerce

Robert Porter
U.S. Senator Orrin Hatch

Hunter Ridgway
U.S. Representative Matt Cartwright

Laurie Saroff
U.S. Representative Janice Hahn

Chad Schulken
Subcommittee on Military Construction,
Veterans' Affairs, and Related Agencies
Senate Committee on Appropriations

Robert Schwalbach
U.S. Delegate Gregorio Kilili Camacho Sablan

Cornell Teague
Subcommittee on Defense
House Committee on Appropriations

John M. Tolar
Select Committee on Benghazi

Elyse Wasch
U.S. Senator Jack Reed

Eric Werwa
U.S. Representative Michael Honda

Kate Williams Sterne
Office of the Senate Majority Whip

Franz Wuerfmannsdobler
U.S. Senator Chris Coons

Shalanda Young
House Committee on Appropriations

LOOKING **AHEAD**

The 114th Congress Stennis Fellows expressed throughout their Fellowship a strong commitment to examine and better understand the issues affecting the ability of Congress to reach agreements. They also wanted their time together to result in some solid, meaningful ideas regarding actions that would better enable Congress to meet its responsibilities to American Democracy. During their final retreat designed to pull together the learning across all previous sessions, the Stennis Fellows developed a set of initiatives that might be implemented, both individually and collectively, to achieve that goal. While not every Fellow necessarily agrees with each point, these suggested initiatives form a collective legacy for the 114th Congress Stennis Fellows.

Examine Legislative Branch/Executive Branch Process on Spending

- Encourage small, informal group discussions among Members on both sides and all factions about ways to restore responsible Congressional control over spending in Appropriations bills.
  - Include discussions with new Members as a part of the new Member orientation process.
  - Invite think tanks and other outside groups to discuss Congressional control over spending vis-a-vis Executive Branch control.
- Initiate a public discussion about the benefits of Congress regaining more control over spending in Appropriations bills.
  - Use town hall meetings and other Member events to discuss the benefits to local citizens of Congressional control over spending.
  - Use forums sponsored by think tanks and others to advance the concept of reinvigorated Congressional control over spending.

LOOKING AHEAD continued

Increase Professional Development Opportunities for Congressional Staff

- Evaluate the professional development opportunities that are currently available to Congressional staff.
  - Educate staff at all levels about the opportunities for professional development.
  - Encourage staff to take advantage of these opportunities and allow them time to participate.
  - Work with internal and external organizations to develop model curriculums for training of staff at various positions and levels.
  - Explore the possibility for Senior Stennis Fellows to participate in a policy retreat on training in collaboration with CRS.
- Expand prospects for staff to develop bipartisan, bicameral relationships.
  - Compile a list of fellowship-type programs for staff that help build relationships, including their focus, application procedures, and time commitments.
  - Bring in all Stennis Fellows to the Facebook page to expand the network for dialogue and interaction.
- Invite business/Silicon Valley/other groups to meet with Stennis Fellows to build bipartisan support for professional development for Congressional staff.
- Encourage a study about what is working right in Congress, not just what is broken.

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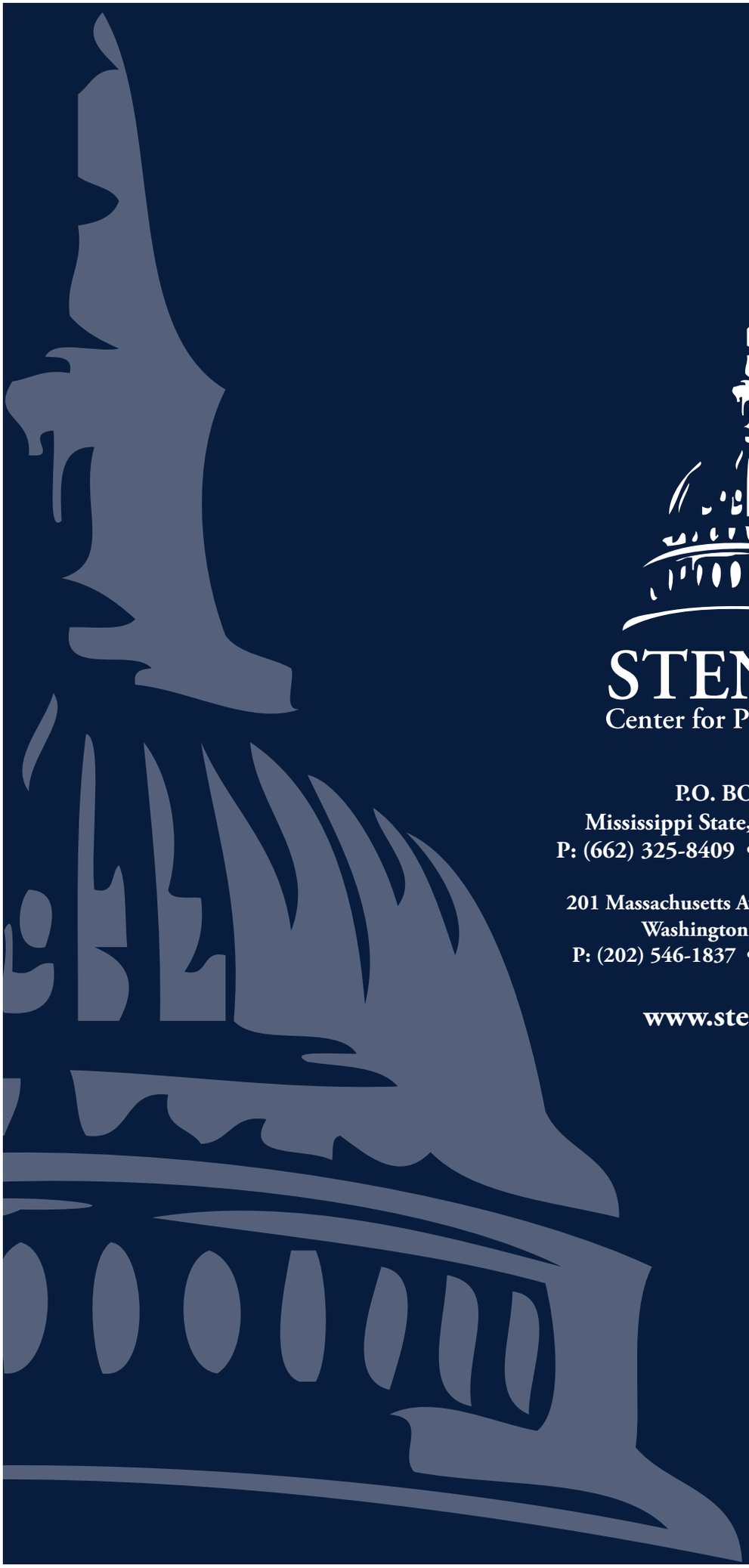

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